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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MALIBU MEDIA,LLC,

Plaintiff

v.

ROBERT WALLER,

Defendant

Civil Action No.:2:15-cv-03002-WHW-CLW

MOTION TO DISMISS

Defendant, Robert Waller ("Defendant"), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6), hereby files a Motion to Dismiss.

Pursuant to *Rule 12(b)(6) of the Federal Rules of Civil Procedure*, Plaintiff's, Malibu Media, LLC ("Plaintiff"), amended complaint is not sufficient to meet the pleading standard of *Rule 8(a)(2) of the Federal Rules of Civil Procedure*. As such, Defendant has demonstrated that Plaintiff's amended complaint should be dismissed for failure to state a claim upon which relief can be granted based on the Memorandum of Law in Support of a Motion to Dismiss ("Memorandum"):

1. As demonstrated in the attached Memorandum, Plaintiff has not established that Defendant is the copyright infringer.

2. Plaintiff's amended complaint is inaccurate and misleading.

WHEREFORE, Defendant, Robert Waller, respectfully requests that the Court grant Defendant's motion to dismiss as it has been demonstrated that Plaintiff's amended complaint fails to plausibly allege a claim to relief based on copyright infringement. This motion is based on this document, the Notice of Motion, the accompanying Memorandum of Law, on all of the pleadings and papers on file in this action, and on whatever evidence and argument is presented at a hearing on this motion.

By: */s/ Patricia Lawrence Kolaras*
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PLEASE TAKE NOTICE Robert Waller, Defendant will move before the Honorable William H. Walls, U.S.D.J. on May 16, 2016 for an Order to grant the motion to dismiss for failure to state a claim upon which relief can be granted.

In support of the motion, I will rely on the attached brief.

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Date: March 29, 2016